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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
BILLY REO HOWARD,  
  
Defendant.

CASE NO. 1:22-CR-00240-ADA-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: September 27, 2023  
TIME: 1:00 p.m.  
COURT: Hon Barbara A. McAuliffe.

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 27, 2023.
2. By this stipulation, the parties now move to set the matter for change of plea on October 2, 2023, at 8:30 a.m. before the Hon. Ana De Alba, and to exclude time between September 27, 2023, and October 2, 2023, under Local Code T4.
3. By this stipulation, the parties move to vacate the status conference hearing currently set for September 27, 2023.
4. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that initial discovery associated with this case has been provided. All of this discovery has been either produced directly to counsel and/or

1 made available for inspection and copying. The government has made inquiries and is in the  
2 process of ascertaining if there are additional reports /other discovery that needs to be processed  
3 and provided to the defense.

4 b) A plea agreement has been signed and filed.

5 c) Counsel for defendant believes that failure to grant the above-requested  
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
7 into account the exercise of due diligence.

8 d) The government does not object to, and agrees with the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of September 27, 2023 to October 2,  
14 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
16 of the Court's finding that the ends of justice served by taking such action outweigh the best  
17 interest of the public and the defendant in a speedy trial.

18 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
20 must commence.

21 IT IS SO STIPULATED.

22  
23 Dated: September 6, 2023

PHILLIP A. TALBERT  
United States Attorney

24  
25 /s/ LAUREL J. MONTOYA  
26 LAUREL J. MONTOYA  
Assistant United States Attorney  
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1 Dated: September 6, 2023

/s/ SERITA RIOS

SERITA RIOS

Counsel for Defendant

BILLY REO HOWARD

5 **ORDER**

6 IT IS SO ORDERED that the status conference set for September 27, 2023, is vacated. A change  
7 of plea hearing is set for **October 2, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is  
8 excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

9  
10 IT IS SO ORDERED.

11 Dated: September 6, 2023

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE